

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ELIAS PENA, ISAIAH HUTSON, RAY
ALANIS,

Plaintiffs,

v.

CLARK COUNTY,

Defendant.

CASE NO. 3:21-cv-05411-DGE

ORDER FOR REMOTE/VIRTUAL
CIVIL JURY VOIR DIRE

The Court ORDERS that voir dire scheduled to commence on May 22, 2023 at 9:00 a.m. be conducted using the following procedures and protocols.

A. Remote / Virtual Format

1. Jury selection will take place using the ZoomGov.com platform. The parties, counsel, jurors, and court staff will not be physically present in the courtroom. The Court will call a jury pool of approximately 30 jurors. The parties will have 1 round of 25 minutes to examine the jurors.
2. The public will have telephonic access for voir dire via a number published on the Court's trial calendar.

B. Preparation

1. Counsel shall familiarize themselves with the ZoomGov.com platform by reviewing the

1 tutorial located at <https://www.wawd.uscourts.gov/attorneys/remotehearings>.

- 2 2. Counsel shall ensure that they and each of their participants have the hardware, software,
3 data bandwidth, and Internet access required to participate remotely. The minimum
4 system requirements are posted at
5 <https://www.wawd.uscourts.gov/attorneys/remotehearings>.
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7 3. Counsel shall also ensure that they have one or more alternative means of communicating
8 with their clients, as well as with the Court, outside the ZoomGov.com platform (e.g., via
9 cellular phone or email).
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11 4. Counsel shall consider establishing a high-speed Internet connection (a hard-wired
12 connection is generally preferable to a wireless Internet connection). Counsel shall also
13 consider the feasibility of participating from their office if the impact of others requiring
14 Internet usage during the proceedings might impact a participant's connection speed.

15 **C. Recording**

- 16 1. The Court will provide a court reporter for the trial. No part of jury selection may be
17 reproduced, distributed, or transmitted in any form or by any means, in whole or in part,
18 by any participant (attorney, party, or juror) or public observer. This prohibition includes
19 any audio or video recording, photographs, and/or screenshots. The parties and counsel
20 shall ensure that each participant for which they are responsible acknowledges and agrees
21 to this prohibition.

22 **D. Participants**

- 23
24 1. Counsel shall provide, via email to Gretchen_Craft@wawd.uscourts.gov the following
25 information for each party, attorney, paralegal, legal assistant and trial or technical
consultant who will participate remotely:

- Name
- Email address
- Participant status (e.g., party, attorney, etc.)

2. Prior to jury selection, the courtroom deputy will supply to counsel the link for the ZoomGov.com session. Counsel shall forward the links to other participants as appropriate.
3. After using the link to access the ZoomGov.com session, participants will enter a virtual waiting room. They will be admitted from the virtual waiting room into the virtual courtroom when appropriate.
4. Participants who will not be presenting matters during the proceedings (e.g., attorneys, paralegals, legal assistants, and trial or technical consultants) shall use the ZoomGov.com platform controls to mute their microphones and deactivate their cameras.
5. During the virtual voir dire, each party and all jurors will be visible on video with microphones muted. Plaintiffs or Defendant's representative may turn off their video during voir dire after they are introduced to the jurors.

E. Professionalism

1. Ambient Noise Protocols:

- a. All participants who are not actively participating in jury selection shall use the ZoomGov.com platform controls to mute their microphone and deactivate their video camera. The courtroom deputy who will "host" the ZoomGov.com session, will mute any participant who fails to follow this protocol.

- b. Participants using multiple devices in a single workspace to access the trial should avoid audio feedback issues by using the microphone and speakers on only one device at a time, or by using headphones.
2. **Courtesy and Decorum**: To the extent possible, remote jury selection participants should conduct themselves in the same way they would if they were physically present in a courtroom. They should avoid interrupting someone who is speaking, except as necessary to raise an objection. Virtual participants should silence electronic devices other than the devices necessary to their remote participation, close unnecessary computer programs or applications (such as email or calendar notifications), and take steps to remove or minimize anything in their remote workspace that might distract from the integrity of the proceedings. The Court understands that conducting jury selection virtually, from one's home, for example, presents many challenges. The Court asks all remote participants to do their best to maintain professionalism in order to conduct a fair and efficient trial.
3. **Objections**: Counsel should raise their hand to signal an objection. When an objection is made, the participants shall stop talking until the Court rules on the objection. If the objection requires a discussion outside the presence of the juror panel, the panel will be placed in the virtual jury room.
4. **Disconnection**: In the event that the Court, a party, an attorney of record, a juror, or anyone else necessary to the proceedings becomes disconnected from the remote trial, the trial will stop while the connection is re-established.
5. **Appropriate Dress**: Parties and counsel shall dress in the same manner as they would if they physically appeared in a courtroom.

- 1 6. **Screen Names:** Remote participants should endeavor to use a screen name in the
2 ZoomGov.com platform that indicates their actual first and last names. As “host,” the
3 courtroom deputy will rename any participant whose screen name is incomplete,
4 confusing, unprofessional, or otherwise improper.

5 **IT IS SO ORDERED.**

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7 DATED this 17th day of May, 2023.

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David G. Estudillo
United States District Judge